

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
491**

INMATE SUBSTANCE ABUSE TESTING

Supersedes: AR 491 (Temporary, 06/21/10)
Effective Date: 08/13/10

AUTHORITY

NRS 209.131
NRS 453.411

RESPONSIBILITY

The Department's Inspector General is responsible:

1. To oversee the inmate substance abuse testing program; and
2. To identify and report non-compliance with this administrative regulation; and
3. Ensure that all required reports concerning the test results are prepared in a timely manner.
4. To develop and disseminate protocols governing the appropriate collection, control and chain of custody forms and procedures.

The Inmate Substance Testing Coordinators are responsible to ensure proper procedures are followed in the collecting, maintaining, and testing process of the day to day operations of this program.

All staff is responsible to have knowledge of, and comply with, this procedure.

491.01 INMATE DRUG, ALCOHOL, AND NICOTINE TESTING

1. All inmate substance abuse testing shall be completed in accordance with the provisions of this administrative regulation and associated protocols established by the Office of the Inspector General.
2. The Department has a zero tolerance drug, alcohol, and tobacco use.
 - A. All inmates committed to the Department are subject to testing at any time.
 - B. Testing shall not be used as a tool to harass inmates.

C. Testing shall not be done on the basis of race, creed, color, national origin, sex, age, political affiliation, sexual orientation, and handicap or for any other discriminatory purpose.

3. The use of mandatory language in this administrative regulation is intended solely for the guidance of the employees of the Department.

A. Failure of an employee to follow any mandatory language shall not result in any compulsory outcome at any inmate disciplinary hearing, including, but not limited to:

(1) Types and severity of sanctions; or

(2) Dismissal of charges.

4. An inmate refusal to test or provide a sample will result in the initiation of disciplinary action.

491.02 INSTITUTION/FACILITY INMATE SUBSTANCE TESTING COORDINATOR

1. Each Warden and/or Facility Manager shall appoint a staff member as the Institutional/Facility Inmate Substance Testing Coordinator and a back up coordinator.

2. The Institutional/Facility Inmate Substance Testing Coordinator and the back up coordinator shall:

A. Receive training concerning the Inmate Substance Testing program pursuant to guidelines established in this regulation and the Office of the Inspector General protocols.

B. Ensure that testing procedures utilized at their institution/facility are consistent with the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

C. Ensure that staff members who are engaged in the collection of the test samples have been properly trained concerning the collection procedures pursuant to the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

(1) Any training conducted or received by the staff members will be forwarded to the Training section.

D. Ensure the collection procedure is performed under the direct supervision of a properly trained Staff Collector.

E. Ensure that the Staff Collector observes all appropriate documentation and chain of custody procedures.

F. Maintain all documentation regarding the Inmate Substance Testing program.

G. Submit a monthly report of all Inmate Substance Testing activity to the Office of the Inspector General.

491.03 POSITIVE TEST RESULTS

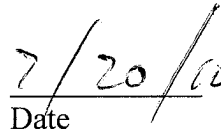
1. In the event of a positive test result, the Institutional Inmate Substance Testing Coordinator shall consult with the institutional/facility medical staff to determine if there is any possible cross-reactivity with any prescribed medication the inmate may be taking.
2. Absent any justified medical explanation for a positive result, the Institutional Inmate Substance Testing Coordinator shall:
 - A. Ensure disciplinary process is relied upon to determine that appropriate sanction(s) are imposed.
 - B. Ensure that a Notice of Charges form is prepared.
3. An Associate Warden should report the results of all Inmate Drug and Alcohol Testing conducted prior to and following an inmate's parole hearing to the Parole Commissioners.

ATTACHMENTS

Inmate Drug and Alcohol Testing Program (DOC-037)
Refusal of Inmate Drug and Alcohol Testing Form (DOC-2041)
Inmate Drug and Alcohol Testing Protocol



Howard Skolnik, Director



Date

DT-08-

To be filled out by IG staff only

Nevada Department of Corrections
Office of the Inspector General**Monthly U/A Tracking Form
Drug & Alcohol Testing Program**

Institution: _____ Month Tested: _____

Test Type:	Random <input type="checkbox"/>	Saturation <input type="checkbox"/>	For Cause <input type="checkbox"/>
Program:	Post Visit <input type="checkbox"/>	DUI <input type="checkbox"/>	RSAT <input type="checkbox"/>
	Prior to Parole <input type="checkbox"/>	As Indicated <input type="checkbox"/>	GHP <input type="checkbox"/> (Going Home Prepared)

AS INDICATED requires an explanation in the comments section

Use 1 form per Test Type. Do not combine tests together.**General Statistics:**

Total Attempts: _____ Total Refusals: _____ Total Collected: _____

Total Negative: _____ Total Positive: _____ Total Invalid: _____

Detail of Results

1. 01 Alcohol	Number positive: _____
2. 02 Amphetamines	Number positive: _____
3. 03 Barbiturates	Number positive: _____
4. 04 Cannabinoides	Number positive: _____
5. 05 Cocaine	Number positive: _____
6. 06 Opiates	Number positive: _____
7. 07 PCP	Number positive: _____

Comments: __________
_____**Signature:** _____**Date:** _____

DOC 037 (06/08)

NEVADA DEPARTMENT OF CORRECTIONS

REFUSAL OF INMATE ALCOHOL AND/OR DRUG TESTING

Name of Inmate: _____ DOC# _____

Name of Officer Ordering Test: _____

(The following statement will be read to the refusing inmate)

As outlined in AR 491.01, Paragraph 4, your refusal will result in the initiation of disciplinary action.

I have read or have had read to me the above statement. I understand that if I refuse to submit to the urine/breath test, that I will be charged, in addition to any other appropriate charges, with MJ 44 - Failure to submit to a mandatory drug and/or alcohol screening.

INMATE'S SIGNATURE _____

NDOC NUMBER: _____

DATE: _____ TIME: _____

CHECK HERE IF INMATE REFUSED TO SIGN () AND FILL IN BELOW

SPECIFIC STATEMENT MADE BY INMATE _____

STAFF WITNESS

NAME (Please Print): _____

SIGNATURE: _____

DATE: _____ TIME: _____

DOC 2041 (Rev. 09/06)

**NEVADA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
INMATE DRUG AND ALCOHOL TESTING PROTOCOL**

I. The Nevada Department of Corrections has a contract with a vendor for Inmate Drug and Alcohol Testing. The contract specifies the vendor will provide drug and alcohol testing services for the Nevada Department of Corrections under the following terms:

- All specimen collection to be done by NDOC staff.
- Testing materials, forms, packaging, and shipping pursuant to approved NDOC and Attorney General Chain of Custody procedures.
- All testing (presumptive and confirmatory) are to be completed by the vendor.
- Testing is to be completed at Federal guideline levels based on "Zero Tolerance" levels at all institutions and facilities.
- Testing to be completed for Alcohol, Barbiturates, THC, Opiates, Cocaine, and Amphetamines and Methamphetamines.
- Vendor will provide daily reporting of all positive tests via the Internet Website, telephone, or fax at NDOC discretion.
- Vendor will provide Month End Report, via Internet Website, telephone, or fax at NDOC discretion. Report will be by Institution and will include number of collections per month, number of negative results, and number of positive results.
- Vendor to use an approved Chain of Custody form and keep it on file for the duration that the sample is kept in the lab or in storage.
- Vendor to retain evidence for two years.
- NDOC to submit a minimum of 10 samples per box.
- Vendor will provide following evening reporting for negatives.
- Vendor will provide positive results 24 to 48 hours after submission.

II. Pursuant to Administrative Regulation 491, only properly trained staff members, shall be assigned to collect inmates' specimens for testing.

III. Staff shall complete an appropriate form for each sample collected.

IV. The Staff Collector shall place security seal across the top of the collection container in such a fashion as to prevent tampering with the sample.

V. The staff collector shall identify the collection container by placing the corresponding control number and the date and time of the collection on the collection container.

VI. The Staff Collector who obtained the specimen shall complete the Nevada Department of Corrections Inmate Drug and Alcohol Test Log (DOC form 037) for each specimen collected. The log shall include the involved inmate's name and back number, the date and time the specimen was collected, the type of specimen collected, and the name of the Staff Collector.

VII. The Staff Collector shall transport the specimen to the facility's designated storage location for temporary storage pending shipment to the laboratory for analysis.

VIII. The Institutional Inmate Substance Testing Coordinator shall examine the Inmate Drug and Alcohol Storage (DOC form 037) daily. Specimens shall be forwarded to the designated laboratory for analysis when there are at least 10 samples ready for analysis or within three days of collection, whichever comes first.

IX. When necessary, the Institutional Inmate Substance Testing Coordinator shall remove each specimen from the temporary locked storage location, compare each specimen to the Inmate Drug and Alcohol Storage Log (NDOC #) and review the form for accuracy. Any discrepancies shall be immediately brought to the attention of a supervisor. The Institutional Inmate Substance Testing Coordinator shall contact the courier service designated for their respective institution and arrange for transport of the specimen to the vendor's laboratories.

X. NDOC Staff will not conduct any presumptive testing of specimens collected from inmates. All specimens will remain sealed after collection. The vendor's laboratories will conduct all testing procedures except for nicotine which is an instant test.

XI. Except in cases where an inmate is exhibiting objective symptoms indicating illicit drug use or alcohol consumption, no sanctions shall be imposed pending the results of the vendor's analysis. Where there is other evidence of illicit drug, alcohol or tobacco products use (contraband, objective symptoms), appropriate segregation and disciplinary procedures may be pursued.

XII. Upon receipt of a positive test result from vendor, the Institutional/Facility Inmate Substance Testing Coordinator shall pursue appropriate segregation and disciplinary procedures.